

Value Systems in Participatory Legal Culture in Rural Spatial Planning Based on Local Wisdom

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Abstract. The development of villages and rural areas is closely related to spatial aspects in rural areas. This study is a normative legal study that is philosophical in its nature. This study used the conceptual approach to study the values of conservation and empowerment of customary law communities in rural spatial planning based on local wisdom. This study explores two questions: how is the value system based on local wisdom in rural spatial planning?; and (2) how to strengthen the legal culture of customary law communities in sustainable rural spatial planning based on local wisdom? The value system based on local wisdom in rural spatial planning follows the essence of ecosophy, in which ecological philosophy means wisdom about the environment, about the whole ecosystem. The wisdom that comes from truth serves to guide the behavior of the community, and at the same time, conserve nature. The value system in conservation is closely related to social, cultural, and religious life. In sustainable rural spatial planning based on local wisdom, customary law communities must strengthen their legal culture by encouraging the people's participation. Implementing a participatory legal culture means that the people must be involved in every step of spatial planning, from the planning to the utilization and the management. Finally, in participatory legal culture, there must be harmonization between basic principles (legal substance) and the living law in customary law communities.

Keywords: Value System, Spatial Planning, Local Wisdom

1 Introduction

The Village Law essentially contains the most real partisanship for rural people. This alignment is due to new governance that makes villages independent and encourages a participatory relationship between a village and its people. The Village Law, which is the juridical basis for village regulation, includes (1) the status and types of villages; (2) villages' spacial planning; (3) village authority; (4) villages' administration; (5) villages' rights and obligations; (6) village regulations; (7) village finances and assets; (8) development of villages and rural areas; (9) BUMDes; (10) village cooperation; (11) traditional village and (12) guidance and supervision.

One of the scopes of village regulation is the development of villages and rural areas, and it is closely related to the spatial aspect in rural areas. Space is viewed as common goods, an existence that belongs to the public. Hence, the use of space by a subject of rights requires an

order from the state. The order also ensures that one's use of space does not violate others' rights.¹ The enactment of the Village Law shows a need for regulation of rural spatial planning based on local wisdom as a system of space for the life of the nation and the state in the context of Indonesia as a pluralistic state.

Based on the background, the researchers formulated two problems as follow:

How is the value system based on local wisdom in rural spatial planning?

How to strengthen the legal culture of customary law communities in sustainable rural spatial planning based on local wisdom?

2 Research Methods

This research is normative legal research with philosophical nature. This research combined conceptual and empirical approaches on the existence and validity of conservative values and empowerment of customary law communities in rural spatial planning based on local wisdom. The aim is to formulate a concept of sustainable rural spatial planning based on local wisdom. This study aims to explore and study various values, principles, and potential factors that contribute to values and principles in rural spatial planning.

This research is a qualitative and descriptive study of law. Hence, this research focused on thorough non-numerical discussions with a 'Sui-Generis' nature concerning values, principles, and legal norms of rural spatial planning in the context of local wisdom and village laws in one unified chain. This study is highly philosophical, as it discusses values and principles in rural spatial planning. It also requires in-depth elaboration and adequate comprehensiveness from sources in the village. The researchers used an explanatory, qualitative descriptive approach because of the philosophical nature of this study. This approach allows the researchers to get in- depth information and analysis relevance in discussing values and principles of rural spatial planning. The researchers also used a qualitative approach in presenting the findings to make the complex data and information easier to understand.

3 Results and Discussion

Value System in Legal Culture of Rural Spatial Planning based on local wisdom

According to Fuad Hasan, Indonesia's plural culture is a living reality that people cannot avoid. This diversity, however, is not to be contradicted but to be compared. This diversity is a manifestation of ideas and values, which, in turn, serves to strengthen these ideas and values. This diversity can also increase insight to encourage appreciation. Comparison between Indonesia's diverse cultures allows one to find a common view of life, particularly in aspects of virtue and wisdom.⁵

Taylor defines culture as "the sum of knowledge, belief, art, morals, law, custom, and all other capabilities and habits acquired by a person as a member of society." According to Koentjaraningrat, culture has several forms: (1) culture as an idea, value, or norm; (2) culture as human activities or behavioral patterns in society; and (3) culture as objects made by humans, which includes every creation, work, behavior, activities in society and are concrete. Culture also covers value systems, social systems, and arts, the source of patterns of social life and become people's guidelines and views and bears the truth about values in human life.⁶

Culture is meanings comprehensively interwoven in historically transmitted symbols. It is a system of inherited conceptions in symbolic forms through which humans communicate, preserve, and develop their knowledge and attitudes towards life.

The term wisdom implies an accumulated philosophical or scientific learning, also interpreted as wisdom in action or the right path. Webster's new collegiate dictionary 1979 explained that the word "wisdom" implies scientific knowledge, particularly a methodologically and systematically correct knowledge. Such knowledge can be accepted by common sense (logic) and tested empirically. When integrated with the personality of a person or society, this knowledge can encourage wise behavior to grow.

Wise behavior comes from deep thoughts or careful considerations. It means that behavior comes from the mind. In wise behavior, will comes first, followed by understanding, and then adapted to feelings. Wise behavior contains truth (as reason demands), goodness (as will demands), and beauty (as feelings demand). Therefore, wise behavior is right, good, and beautiful behavior. With truth comes targeted actions. With goodness comes beneficial actions. By interpreting local wisdom as a form of culture, local wisdom will experience continuous reinforcement for the better. Ali Moertopo said that humanization is the ideal process and goal of culture. Therefore, local wisdom as a manifestation of culture, with continuous reinforcements in life, is an example of humanization in culture. It means, as a manifestation of humanity, local wisdom is considered good that strengthening keeps occurring, highlighting the dynamic nature of local wisdom.

Culture is dynamic. The dynamic nature of culture is strongly related to human activities and minds. Physical factors such as population growth, migration, and new tools can cause a culture change. Human relations such as individual and group relations can also affect culture change. However, development and change are unavoidable. There are three patterns that anthropologists believe to be most important regarding culture change: evolution, diffusion, and acculturation.⁸

Traditional wisdom, also a form of traditional knowledge, contains knowledge that teaches humans to live a good life, particularly in their relationship with nature. It also teaches about preservations the life of other species. For this reason, various rules and taboos exist. They tell humans about the proper way to carry out their activities, such as farming, hunting, fishing, cutting down trees, traveling, and so on. Customary law communities always know the right time for long-distance traveling, field clearing, fishing, hunting, and more.⁹ In conclusion, traditional wisdom is holistic, covering knowledge about social, economic, political, legal, cultural, and religious aspects. As a vast network of life, nature consists of interconnected relationships. Hence, understanding and knowledge of nature is comprehensive knowledge.

Humans who understand nature are those involved with nature. Nature is viewed to have many values and moral teachings. Nature sends moral messages and commands for humans to obey, including messages to respect life. Since nature is a relative, there are values in it to be obeyed. In traditional wisdom, every activity in customary law communities can be viewed as a moral activity since all activities (including farming, hunting, and fishing) apply moral principles (such as taboos) from traditional wisdom in addition to scientific knowledge.¹⁰

In viewing nature as a unified whole, there has been a shift, as stated by Fritjof Capra. The mechanistic-reductionistic perspective that favors rational, analytical, and linear abilities shifts to systemic-organic and holistic-ecologic perspectives that emphasize intuitive, synthetic, holistic, and non-linear abilities. At the same time, there has been a shift and change in values and behavior. The expansive, competitive value and behavior, which emphasize quantity in a relationship pattern focusing on dominance, are less favored. Today, values and behavior that prioritize conservation and cooperation, and emphasizes quality in a complementary

relationship pattern, in a network that enriches, respects, nurtures each other. Hence, a new approach to nature is needed. The approach that shows dominance and control over nature needs to shift to one that emphasizes respect, cooperation, and dialogue. This shift is necessary to capture the essence, integrity, and beauty of nature. Humans must not dominate, control, and exploit nature solely for their benefit.¹¹

Some examples of empirical facts of local wisdom in Indonesia

An example of Indonesia's local wisdom is seen in Baduy, in the way its people manage their land for agriculture (ngahuma) and maintain their forests to preserve the environment. Land in Baduy is for three purposes: residence, agriculture, and permanent forest. Agricultural land is for farming. Permanent forest refers to forests protected by customary law, such as protected forest (leuweung kolot/titipan) and village-protected forest (hutan lindungan lembur) around springs or sacred mountains. For example, Mount Baduy, Jakate, Cikadu, Bulangit, and Pagelaran. These forests are always be preserved.¹²

In utilizing the environment, there are rules that the Baduy people obey. Altering waterways by any means (such as making fish ponds, drainage, irrigation, or rice farming) is prohibited. Changing the shape of the land is also prohibited. For this reason, digging the ground to make wells, leveling the land for settlements, and hoeing the land for agriculture, are also prohibited. The Baduy people cannot enter the entrusted forest (leuweung titipan) to cut down trees, clear fields, or take forest products. The people use their land for two primary purposes: environmental conservation (hutan lembur and hutan titipan) and cultivation (agriculture and residence). Environmental conservation areas absolutely cannot be converted for any other purpose. Using chemical technology is also prohibited. Because of that, any activity that involves chemical technology, such as using fertilizers, bathing with soap, brushing teeth using toothpaste, or poisoning fish, is prohibited. Additionally, the Baduy people cannot cultivate crops, such as coffee, cocoa, cloves, or oil palm. They are also prohibited from raising four-legged livestock, such as goats, cows, and buffalo.¹³

The customs of the Baduy tribe have teaching that says, "lojor teu meunang dipotong, pondok teu meunang disambung." It means that what is long must not be cut, and what is short must not be connected. This "pikukuh" implies that everything must be as it is and should not be "engineered." This belief shapes the Baduy people, from their behavior to their views and appearance. The Baduy people believe that "addition and subtraction will result in disharmony." For them, life and nature will improve if they have good behavior. For example, working diligently, cultivating the land, growing plants in the yard, raising livestock, gotong royong (working together), helping each other, creating harmony and peace, and avoiding prohibited actions. If their behavior is not good, the Baduy people believe that it will only cause kapitunan, a loss for them and nature in the future.

Local wisdom in Bali is based on Hindu teaching called Tri Hita Karana. It is the philosophy of life for the Hindu people, their guide in fostering a good attitude in life according to the teachings of Hinduism. A good attitude in life, according to Hinduism, is to create a balance between God, humans, and nature. Hence, one must show their devotion to God, dedication to humans, and love nature, all according to yajna. Etymologically in Sanskrit, Tri Hita Karana comes from three words: "tri," "hita, and "karana." "Tri" means three. "Hita" means happy, while "karana" means causes. Thus, Tri Hita Karana means "three causes of happiness." Tri Hita Karana teaches humans to create harmony with God, humans, and nature.¹⁴ The legal basis in society is useful for understanding law in society as a whole.

Therefore, the law must be studied as an inseparable part of cultural aspects, such as social structure, kinship system, or religious system. Law as a rule, in its development, is very dependent on components such as the rationality of customary law communities, history,

customs, behavior guidelines as component in the law arrangement by customary law communities, so that law can be used to develop the potential of the communities. For example, local wisdom in Tenganan Pegringsingan Village, an ancient village in Bali, is inseparable from its people's social, cultural, and religious aspects that concern the planning of residential areas and management of water sources and forest protection. Local wisdom in managing the environment in Tenganan Pegringsingan is also inseparable from its people's customary rights, which are also the village's rights as the strongest unit for the land and everything on it. It is covered in awig-awig, the law that they must abide by and receive punishment if violated.



Fig.1. Public open space in Tenganan Pegringsingan Village Source: (researcher documentation)



Fig 2. Public space of Tenganan Pegringsingan Village as a tourist destination Source: (researcher documentation)

Strengthening the participatory legal culture of customary law communities in sustainable rural spatial planning based on local wisdom

The development of national law is inseparable from the legal system that consists of interconnected elements to achieve the goal of the law itself. Indonesia's diverse ethnic groups, languages, cultures, and religions also shape the process of developing national law. Friedman's legal system theory states that three elements make up the legal system: legal substance, legal structure, and legal culture. The legal structure is a structural component or an organ that moves within a mechanism, both in making and implementing regulations. The legal substance is a product of the legal structure, both regulations made through formal structure and those born of habit.

Legal culture is the values, thoughts, and expectations of the rules or the norms in people's social life. These three elements that make up the legal system are interconnected; in which they are synchronized in the process of achieving the legal goals. Undoubtedly, the strengthening of this national legal culture is inseparable from the norms of fundamental values, which are mutually agreed upon as a nation and state: Pancasila and the 1945 Constitution of the Republic of Indonesia.¹⁵

In practice, cultural perspective should be used at a fundamental level in the life of the people, nation, and state. It is because the cultural dimension has a set of values (value system). Then, this value system is used as the foundation for formulating a law that reflects the nation's values. Of the three elements that make up the legal system, as stated by Friedman, it is the legal culture that precedes the other two elements.¹⁶

In society, legal culture can be used as a source of information to understand society from various aspects, both in the form of the legal system and the people's behavior.¹⁷ The nature of legal culture is communal, not individual, as a unified attitude of behavior. Thus, legal culture is closely related to all aspects of life in local communities.¹⁸

Kartaprawira R stated that there are three types of legal culture: (1) parochial culture, (2) subject culture, and (3) participant culture. Thus, what is important in legal culture is consistency in formulating policies by policymakers so that policymaking remains oriented to philosophical value system, open to people's aspirations, and fair. Indonesia, which has a pluralistic social structure, requires political wisdom that can be done with a cultural approach. The people of Indonesia are *Bhinneka Tunggal Ika*, which means that unity in diversity. An example of Indonesia's diversity is local legal systems that have functions and roles in people's lives. These local legal systems are connected to the past, present, and future. This connection makes these local legal systems the ideal pattern that is aspired to and manifested as concepts, perspectives, and legal norms as a legal system. ¹⁹

Based on Lawrence Friedman's concept, legal norms are a substantial aspect of law, besides that there is a legal structure and culture. Structure refers to the institutions of law formation and implementation and legal culture refers to the values, orientations and expectations of society about the law. The legal apparatus and culture must be the focus of legal development. This means that the formation, governance, values, orientation and dreams of the community about law must be a top priority.

Although the legal norms contained in each law are positively considered a guide to the values and orientation of everyone, empirically there are always flaws. People's behavior is not always in line with the norms contained in the law, the causes are very diverse, one of which is that the norms are not in line with their orientation and dreams.²⁰

In rural spatial planning through the concept of implementing participatory legal culture, it can be done through the process of planning, utilizing and controlling space in spatial planning in accordance with planning and still rooted in the national legal development paradigm, namely Pancasila and the noble values that live in rural areas. Public. According to Abrar Saleng, local values that can be absorbed in the substance or material content of laws and regulations in the field of forest and environmental conservation are local values that live and develop in society, are national, and even universal.

Because only such local values can be used as legal principles and rules in the preparation of laws and regulations in the forestry and environmental fields in the future.²¹ In order to become an effective legal instrument, the makers of laws and regulations relating to forest and environmental conservation in preparing the content material (*het onderwerp*), need to harmonize the basic principles and principles (legal substance) with values that develop and living law in society (local values).

4 Conclusion

The value system based on local wisdom that is carried out in rural spatial planning is in accordance with the environmental philosophy. Ecosophy is interpreted that environmental philosophy is wisdom about the environment, about the entire ecosystem. Wisdom that comes from the truth which serves to guide the behavior pattern of the community that is in line with the truth in protecting the environment in the dimension of the universe. The current value system is closely related to conservation values in rural spatial planning and cannot be separated from social, cultural and religious life.

The strengthening of the legal culture dimension that must be carried out by customary law communities in sustainable rural spatial planning based on local wisdom is the concept of participatory legal culture. In rural spatial planning through the concept of implementing a participatory legal culture, it is carried out through the process of planning, utilizing and controlling space in spatial planning, and it is necessary to harmonize basic principles and principles (legal substance) with developing values and living law (living law). legal culture) in customary law communities.

In this case, suggestions are submitted to the Regency and Provincial Governments to carry out the process of strengthening customary law communities through regional regulations.

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